REMARKS/ARGUMENTS

Claims 1, 3-6, 8-11, 13-15 and 21-23 are pending in this application. By this Amendment, claims 1, 6, and 11 are amended.

Entry of the amendments is proper under 37 CFR 1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issues requiring further search and/or consideration (because the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. All of the amendments to the claims in this Amendment are made in response to the rejection under 35 U.S.C. § 101, described in greater detail below. This rejection was newly added in the final Office Action, but was not necessitated by any earlier amendment. Thus, the amendments presented herein would have previously been presented in response to the non-final Office Action had the rejection under 35 U.S.C. § 101 been included in that Office Action as it could have been. Entry of the amendments is thus respectfully requested.

In section 4 on page 2, the Office Action rejects claims 1, 3-6, 8-11, 13-15 and 21-23 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicant has amended independent claims 1, 6, and 11 to clarify that, as stated in the Application on page 2, lines 3-5, the invention is directed to "producing a list of results". Applicant therefore respectfully submits that independent claims 1, 6, and 11, contain statutory subject matter under 35

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U.S.C. § 101. Accordingly, it is respectfully submitted that the rejections of independent claims 1, 6, and 11 under 35 U.S.C. § 101 be withdrawn. Claims 3-5, 8-10, 13-15 and 21-23 are dependent on claims 1, 6, and 11, respectively, all of which contain statutory subject matter under 35 U.S.C. § 101. Therefore, for at least the same reasons as stated above in connection with claims 1, 6 and 11, it is respectfully submitted that the rejections of claims 3-5, 8-10, 13-15 and 21-23 under 35 U.S.C. § 101 should also be withdrawn, and such withdrawal is respectfully requested.

In section 7 on pages 3 and 4 of the Office Action rejects claims 1, 3-6, 8-11, 13-15 and 21-23 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,601,067 to Hiyoshi in view of U.S. Patent No. 6,199,064 to Schindler. This rejection is respectfully traversed.

Claim 1 recites a sort controller wherein the sort controller "sorts the information items using primary and secondary sort keys derived from predetermined user sorting preferences for a current user task context and a content type for the information items" (emphasis add). Claims 6 and 11 have similar recitations. Applicant respectfully submits that Hiyoshi and Schindler, whether singly or in combination, do not disclose this subject matter.

As correctly conceded in section 7 near the bottom of page 3 of the Office Action, Hiyoshi does not specifically teach "primary and secondary sort keys derived from predetermined user sorting preferences for a current user task context and content type." The Office Action nonetheless alleges a secondary reference Schindler as teaching this subject matter. Specifically, the Office Action points to computer codes listed in col. 7, lines 45-65 and col. 8, lines 39-66, as well as the claim language in col. 11, lines 30-39, with respect to the correctly conceded deficiency in Hiyoshi.

However, the featured computer code teaches transformation and inverse transformation of a source data block, as required by the featured sorting scheme, using secondary sort keys <u>derived from the position of each data value having predetermined length within the source data block</u>. See col. 7, lines 26-27; col. 7, lines 32-35; col. 8, lines 24-25; col. 11, lines 30-33. With respect to secondary sort keys, Schindler expressly stated that they must be <u>derived from the position of each data value having a predetermined length within a source data block</u>. See col. 1, lines 47-54. Furthermore, Schindler graphically demonstrates how these secondary sort keys are derived and used in the sorting process. See Index 154 in Fig. 5A and Fig. 5B and col. 4, lines 46-51.

Deriving a secondary sort key from the position of a data value having a predetermined length within a data block, as taught in Schindler, is <u>categorically different</u> from deriving a secondary sort key from <u>predetermined user sorting preferences for a current user task context</u> and <u>a content type</u> for the information items, as recited in claim 1 and similarly recited in claims 6 and 11.

Consequently, Schindler fails to overcome the deficiency conceded in Hiyoshi with respect to the above-quoted subject matter recited in claim 1 and similarly recited in claims 6 and 11. It is therefore respectfully submitted that the Office Action has failed to establish a *prima facie* case of obviousness as required under 35 U.S.C. § 103(a). Accordingly, reconsideration and withdrawal of the rejection of independent claims 1, 6, and 11 is respectfully requested. If the Office believes otherwise, the Office is respectfully requested to specifically point out or designate the relevant columns and lines, where Schindler allegedly teaches "primary and secondary sort keys derived from predetermined user sorting preferences for a current user task context and content type". MPEP 707

and 37 C.F.R. 1.104(c)(2) explicitly state that "the particular part relied on must be designated" and "the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."

Claims 3-5, 8-10, 13-15 and 21-23 are dependent from allowable independent claims 1, 6, and 11. For at least the reasons stated above in connection with claim 1, it is submitted these dependent claims are also allowable over Yamazaki. Accordingly, reconsideration and withdrawal of their rejections is respectfully requested.

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the correspondence attorney listed below in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of

this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to

such Deposit Account.

Respectfully submitted,
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Date: <u>December 11, 2006</u>
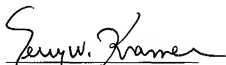
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